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| APPLICATION NO.  | FILING DATE        | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |               |            |                    |  |
|--|--------------------|----------------------|---|------------------|---------------|------------|--------------------|--|
| 10/502,258   | 05/13/2005         | Andreas Myka         | 617-011875-US (PAR)   | 5387             |               |            |                    |  |
| 2512<br>PERMAN & GREEN<br>425 POST ROAD<br>FAIRFIELD, CT 06824 | 7590<br>06/25/2007 |                      | <table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">RAMPURIA, SHARAD K</td></tr></table>      |                  | EXAMINER      |            | RAMPURIA, SHARAD K |  |
| EXAMINER   |                    |                      |   |                  |               |            |                    |  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/502,258

**Applicant(s)**

MYKA ET AL.

**Examiner**

Sharad Rampuria

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Disposition of the claims***

II. The current office-action is in response to the Amendment - After Non-Final Rejection filed on 04/06/2007.

Accordingly, Claims 1-9 are imminent for further assessment as follows:

#### ***Claim Rejections - 35 USC § 103***

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heinonen et al.** [US 6728530] in view of **Patil** [US 6625460].

As per claim 1, **Heinonen** teaches:

A system for providing information for users of mobile terminals, (Abstract) the system comprising a first data storage (42; Fig.1, Col.5; 44-49) in a mobile terminal (12; Fig.1, Col.5; 6-17), the first data storage being adapted to store information, at least one remote data repository (66; Fig.1, Col.6; 21-27, Col.7; 7-19) connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal, (e.g. information extort from memory based on terminal's criterion; Col.6; 21-27, Col.7; 7-19)

**Heinonen** doesn't teach expressly, a second data storage including external data, the system further comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, and a second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal. However, **Patil** teaches in an analogous art, that a second data storage including external data, the system further

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comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, and a second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal. (e.g. information provided from remote database based on terminal's criterion; Col.5; 15-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Heinonen** including a second data storage including external data, the system further comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, and a second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal in order to offer the capability to send messages to at least one distribution list on a user determined, periodic basis. The user is further provided with the capability to send messages containing content obtained from external sources, and to send those messages periodically to at least one distribution list, where the content of the messages is automatically updated prior to sending the periodic message. (Col.2; 23-30)

As per claim 2, **Heinonen** teaches all the particulars of the claim except an accessor to an external network for retrieving said external data. However, **Patil** teaches in an analogous art, that a system according to claim 1, the system further comprising an accessor to an external network for retrieving said external data. (e.g. external providers: Col.5; 15-32)

As per claim 3, **Heinonen** teaches all the particulars of the claim except wherein said external network is the Internet. However, **Patil** teaches in an analogous art, that a system according to claim 2, wherein said external network is the Internet. (e.g. external providers: Col.5; 15-32)

As per claim 4, **Heinonen** teaches all the particulars of the claim except wherein the external data is retrieved from an external network to which the data repository is operationally connected. However, **Patil** teaches in an analogous art, that a system according to claim 1, wherein the external data is retrieved from an external network to which the data repository is operationally connected. (external providers: Col.5; 15-32)

As per claim 5, **Heinonen** teaches all the particulars of the claim except wherein items i), ii), iii) and iv) are located in a computer. However, **Patil** teaches in an analogous art, that a system according to claim 1, wherein items i), ii), iii) and iv) are located in a computer. (external providers: Col.5; 15-32)

As per claim 6, **Heinonen** teaches:

A method for providing information for mobile users, the method comprising the steps of storing information in the mobile terminal, (42; Fig.1, Col.5; 44-49) connecting at least one remote data repository (66; Fig.1, Col.6; 21-27, Col.7; 7-19) to the telecommunications system, storing therein information including personal content including data objects and/or information extracted from said objects, the remote data repository being provided with means for accessing the information from at least one terminal, assigning at least one of the repositories for the use of each mobile terminal, (e.g. information extort from memory based on terminal's criterion; Col.6; 21-27, Col.7; 7-19)

**Heinonen** doesn't teach expressly, a storing external data, retrieving from said remote data repository data including an object and/or information extracted from an object, reading at least one predetermined criterion, defining a relationship between the retrieved data and the external data, analyzing whether said relationship fulfills a predetermined condition, in response to the analyzing step, selecting data to be delivered to the mobile terminal when said condition is met, and delivering the selected data to the mobile terminal. However, **Patil** teaches in an analogous art, that a storing external data, retrieving from said remote data repository data including an object and/or information extracted from an object, reading at least one predetermined criterion, defining a relationship between the retrieved data and the external data, analyzing whether said relationship fulfills a predetermined condition, in response to the analyzing step, selecting data to be delivered to the mobile terminal when said condition is met, and delivering the selected data to the mobile terminal. (e.g. information provided from remote database based on terminal's criterion; Col.5; 15-32).

**Claims 7-9** is the **method** claims corresponding to **system** claims 2-4 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 2-4 respectively, above.

***Response to Amendments & Remarks***

IV. Applicant's arguments with respect to claims 1-9 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Patent Examiner  
Art Unit 2617